

REMARKS

I. Formalities

Applicants thank the Examiner for considering the references listed on the PTO/SB/08 Forms submitted with the Information Disclosure Statements of August 18, 2008 and August 21, 2008.

II. Status of the Application

By the present Amendment, Applicants are amending claims 1, 12, and 13. No new matter is added. Claims 1-29 are all the claims pending in the present application. Claims 4, 5, 11, and 15-26 have been withdrawn. Claims 1-3, 6-10, 12-14, and 27-29 have been rejected. The present Amendment addresses each point of rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

III. Double Patenting Rejection

Claims 1-3 and 7 stand rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claim 11 of U.S. Patent No. 6,975,659. Applicants are filing a Terminal Disclaimer to overcome the double patenting rejection. Withdrawal of the rejection is respectfully requested.

IV. Claim Rejections Under 35 U.S.C. § 102(b) and 103(a)

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,790,576 to Waarts et al. (hereinafter "Waarts"). Claims 12, 13, and 27-29 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Waarts. Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Waarts in view of U.S. Patent No. 6,724,791 to Chiappetta et al. (hereinafter "Chiappetta"). Claims 7-10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Waarts in view of U.S.

Patent No. 5,640,188 to Andrews (hereinafter “Andrews ‘188”), U.S. Patent No. 5,432,535 to Andrews et al. (hereinafter “Andrews ‘535”) and U.S. Publication No. 2002/0018499 to Kuniyasu et al. (hereinafter “Kuniyasu”). Claim 14 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Waarts in view of Andrews ‘188 and Kuniyasu. Applicants respectfully traverse these grounds of rejection.

In order to improve clarity, Applicants are amending claim 1 to recite a laser apparatus wherein “said block has a lens-setting surface which is flat, perpendicular to optical axes of said plurality of laser diodes, and located on a forward side of said plurality of laser diodes at a predetermined distance along said optical axes from said light-emission points, and said collimator-lens array is fixed to said block so that an area of an end surface of said collimator-lens array is in contact with and overlaps an area of said lens-setting surface” (emphasis added). Support for this amendment can be found at least in Fig. 3 of the original specification.

In rejecting claim 1, the Examiner maintains that the plate 141 of Waarts corresponds to the recited block, and that the combination of the base 114 and the lens array 115 of Waarts corresponds to the recited lens array. Further, the Examiner alleges that the front end surface (the “flat leading edge”) of the plate 141 in Waarts corresponds to the recited lens-setting surface of the present invention. Applicants respectfully disagree.

Claim 1 (as amended) recites that the lens-setting surface is “located on a forward side of said plurality of laser diodes at a predetermined distance along said optical axes from said light-emission points” (emphasis added). Therefore, according to claim 1, the lens-setting surface is positioned at a different vertical plane from the light-emission points of the laser diodes. On the contrary, Fig. 10 of Waarts shows that the flat leading edge of the plate 141 is positioned at the same vertical plane as the surface from which light is emitted from the laser arrays 111.

Applicants submit that claim 1 is patentable over Waarts at least by virtue of the aforementioned differences, as well as its additionally recited features. Because independent claims 12 and 13 (as amended) recite features similar to those discussed above with regard to claim 1, Applicants submit that claims 12 and 13 are patentable over Waarts at least for similar reasons, as well as their additionally recited features. Further, Chiappetta, Andrews '188, Andrews '535, and Kuniyasu fail to remedy the deficient teachings of Waarts. Therefore, claims 2, 3, 6-10, 14, and 27-29 are patentable over Waarts, Chiappetta, Andrews '188, Andrews '535, and Kuniyasu at least by virtue of their respective dependencies on claims 1 and 13, as well as their additionally recited features.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Suzanne C. Walts/

Suzanne C. Walts
Registration No. 60,831

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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